

## Appendix C

**From:** Thorne, Michael  
**Sent:** 04 October 2017 09:50  
**To:** Licensing Shared Email  
**Cc:** Lee, Richard  
**Subject:** Premises Licence Application 94-96 Palmerston Road

Good morning,

With regard to the above premises licence application, Regulatory Services, as a Responsible Authority, make representations in respect to the licensing objective, prevention of public nuisance.

Whilst we are aware that the two regimes are entirely separate, we have also been consulted by our colleagues in Planning in respect to an application for a change of use of these premises from A1 to A3 and the installation of a new shop front and ventilation grills. The reason for this consultation relates to the potential impact on the neighbouring sensitive uses from both noise and odour from the proposed use. Although irrelevant in respect to the concurrent but separate nature of the applications we advise you that our comments in regard to both regimes are consistent in respect to the protection of nearby and adjoining premises and their residents.

Specifically concerning this premises licence application we are concerned that both noise and odour has the potential to cause public nuisance.

### **Noise**

We raise concern about noise from the following sources:

1. kitchen extraction system
2. internal customer and entertainment
3. external customers

The application as submitted is clear in that no supportive information or proposals have been provided in respect to the control of either noise inside or outside to prevent public noise nuisance to the adjoining or nearby residential accommodation. Consequently, we have no material to assist us in the determination of the potential for impact of the applied for uses on the adjoining or nearby residential premises or be satisfied that the prevention of public nuisance licensing objective has been considered by the applicant during the application process. In the absence of such information and in light of the extremely close proximity of residential accommodation we therefore have no alternative but to raise representation in respect to these concerns.

Additionally, it is noted that the applicants have proposed that the front façade of 94-96 be largely replaced by bi-folding doors. The installation of such will acoustically weaken the front façade, most obviously when the doors are in the open position but even when closed as a result of the joins between each of the doors. This façade configuration will limit the noise levels that can be produced within the building prior to public nuisance occurring. As the doors have been designed in this manner, it is not unreasonable to expect that the doors will be utilised for the purpose of opening up the front façade of the premises. This being the case, it is noted that no regard has been given by the applicant to the potential of this design to cause public nuisance or whether measures that may be necessary to prevent noise nuisance from occurring in the first instance. We therefore feel that we have no alternative but to raise representations in respect to these concerns.

### **Odour**

The proposed kitchen extraction system has the potential to cause public nuisance as a result of odour from cooking. Proposals have been made to limit odour from cooking through the planning process but as of yet these are not of sufficient detail to convince this service that odour emissions will not cause public nuisance. No information in respect to the prevention of public nuisance from odour have been made in respect to this application. Accordingly, we raise representations in respect to the applicants obligations and ability to the prevent odours from causing a public nuisance as part of the application process.

### **Promotion of the Licensing Objective, Prevention of Public Nuisance**

No measures have been proposed in Section 18 of the application to promote the licensing objective of preventing public nuisance.

In both our response to Planning dated 23<sup>rd</sup> August and our recent meeting with the applicants and their planning consultant on 14<sup>th</sup> September we have raised these issues. To date, we have not had any further proposals as to how the above impacts can be mitigated. In the absence of further information, as a result of a complete lack of information being provided within the premises licence application in respect to the prevention of public nuisance and as necessitated by the deadline date to make representations, we have no alternative but to formally raise representations as a Responsible Authority in support of the licensing objective the prevention of public nuisance and ask you to consider this summary of our concerns a demonstration of such.

Regards,

**Michael Thorne**  
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